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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199018
Party	Defendant Amlin Health, LLC
Correspondence Address	LINUS ZHANG MD AMLIN HEALTH, LLC 451 HUNGERFORD DRIVE, SUITE 119-132 ROCKVILLE, MD 20850 UNITED STATES amlinhealth@gmail.com
Submission	Other Motions/Papers
Filer's Name	Linus Zhang
Filer's e-mail	amlinhealth@gmail.com
Signature	Linus/9-1-2011/
Date	09/01/2011
Attachments	Facts and Reasons-Request Extension of Time for 180 Days 9-1-2011.pdf (10 pages)(334047 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Serial No. 85/094,790,	:	
For the mark DR. AMLIN and design,	:	
	:	
AMYLIN Pharmaceuticals, Inc.,	:	
	:	
Opposer	:	
	:	
vs.	:	Opposition No. 91199018
	:	
Amlin Health, LLC,	:	
	:	
Applicant	:	

**FACTS AND REASONS: WHY IT IS NECESSARY TO AMEND REQUEST
FOR EXTENSION OF TIME FROM ORIGINAL 90 DAYS TO 180 DAYS AND
REQUEST MOTION TO REOPEN TIME FOR SERVING INITIAL DISCLOSURES**

Amlin Health, LLC (“Applicant”) respectfully requests the Board kindly approve Applicant's amendment request to extend and reopen the deadlines in this matter by 180 days from originally requested 90 days on July 28, 2011. Because Applicant was not in the US until July 19, 2011 which resulted in past deadline of Initial Disclosures. Although Applicant was not able to correspond directly while he was in abroad, however, Applicant tried his very best effort to communicate with his counsel and Opposer's counsel as well the Interlocutory Attorney over the telephones and via emails in this matter for many times after Applicant returned to the U.S.

BELOW ARE THE TRUTH AND FACTS THAT ARE DIFFERENT
FROM WHAT OPPOSER'S COUNSEL SAID:

- Applicant got back into town on **July 19, 2011** very early morning (around 2am);
- Applicant called his previous counsel same day afternoon on **July 19, 2011** and left message;
- Applicant called his previous counsel and left message again on **July 21, 2011**;
- Applicant called his previous counsel again on **July 22, 2011**;

- Applicant got a phone call back from his previous counsel's office (not the counsel) in the morning, **July 25, 2011** and had brief conversation, Applicant did not think what his counsel did was properly and Applicant decided to represent himself in this matter;
- Applicant asked Opposer's counsel via email in order to know the current status in the matter on **July 25, 2011** because he just got back from overseas, see Exhibit -1
- Applicant started to browse briefly all documents received from Opposer's counsel (131 questions) on **July 25, 2011**;
- Applicant submitted Request Extension of Time for Disclosures to the Board on **July 28, 2011**;
- Applicant notified Opposer's counsel via email that Applicant would represent himself in the matter on **August 4, 2011**;
- On **August 5, 2011**, Applicant was requested to submit proof and confirmation to represent himself by the TTAB Board after the Board received Applicant's Request Extension of Time for Disclosures submitted on July 28, 2011;
- On **August 8, 2011**, Applicant sent an email to Opposer's counsel and tried to discuss a proposal with Opposer's counsel for possible settlement, see Exhibit -2;
- On **August 10, 2011**, Opposer's counsel sent a letter to Applicant, mentioned to have a telephone conversation and to discuss a solution for possible settlement, see Exhibit -3;
- On **August 11, 2011**, Applicant suggested time to discuss the proposal further and have a telephone call some times next week (August 17, 2011), Exhibit -4;
- On **August 12, 2011**, Applicant submitted proof and related document (represent himself) to the Board per TTAB-the Interlocutory Attorney's request;
- **August 13-14, 2011** weekend;
- On **August 15, 2011**, Applicant and Opposer's counsel set up time on August 17, 2011 to have a telephone conversation, Exhibit-5

- On **August 16, 2011**, Opposer counsel sent a letter via email to set up time for phone call at 11:30am, August 17, 2011;
- On **August 17, 2011** around 11am, Opposer's counsel called Applicant and discussed the possibility of the settlement without result, so far, Applicant has tried his very best effort after his return;
- On **August 18, 2011**, Applicant received a letter from Opposer's counsel after their telephone conversation that both parties can not reach any agreement;
- **August 19-20, 2011** weekend;
- On **August 22, 2011**, Applicant sent a correspondence to Opposer's counsel after receiving her letter, see Exhibit -6;
- Same day on **August 22, 2011**, Applicant received "Opposition to Motion for 90 Day Extension of Time" via email from Opposer's counsel;
- On **August 24, 2011**, Applicant submitted Amendment Request for Extension of Time from Original 90 Days to 180 Days to the Board;
- Now it is very clear that Applicant is never stopped and has tried his very best effort to correspond in this matter so far.

**BELOW ARE SOME REASONS, WHY IT IS NECESSARY TO AMEND REQUEST
FOR EXTENSION OF TIME FROM ORIGINALLY REQUESTED 90 DAYS TO 180 DAYS:**

1. Applicant received many documents, total 131 questions after his return such as:
FIRST SET OF REQUEST FOR ADMISSION TO APPLICANT (1-66),
OPPOSER'S FIRST SET OF REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS TO APPLICANT (1-38) AND OPPOSER'S
FIRST SET OF INTERROGATORIES TO APPLICANT (1-27), it definitely

- takes time for anyone to complete all the documents;
2. Applicant has to refer to the TTAB Manual of Procedure (TBMP) carefully and follow the rules, which is not easy for a non-legal professional minority;
 3. Applicant will use his best knowledge to carefully review, prepare and answer all 131 questions one by one based on the TTAB Manual of Procedure and rules;
 4. Applicant recognizes that originally requested for Extension of Time for 90 days on July 28, 2011 was not sufficient to prepare and answer all 131 questions properly and in a timely manner after re-consideration and analysis;
 5. Applicant is not a full time legal professional, he is a minority in particular; Applicant has to conduct it's business for living while corresponding to any issues;
 6. Applicant is the executive person in charge the business and already tried his very best to respond everything possible after his return, any correspondence should be directed to Applicant;
 7. Applicant correspond to all relate people in this matter, no reason for Applicant to send any email to his previous counsel whatsoever since Applicant fired his previous counsel already because the counsel did not perform his work properly;
 8. Again, this is a woman and minority owned small disadvantaged business, indeed, please allow sufficient time to prepare and complete all documents.

Based on above facts and reasons, Applicant requests the Board again to approve the Amendment Extension of Time for 180 days other than originally requested 90 days.

WHEREFORE, Applicant prays that the Board will kindly consider and approve Applicant's request for 180 days Extension of Time and Motion to Reopen Time for Serving Initial Disclosures.

Respectfully submitted this 1st day of September, 2011.
Amlin Health, LLC
(A Maryland Based Woman and Minority
Owned Small Disadvantaged Business)

/Linus Zhang/
Linus Zhang, M.D.
Amlin Health, LLC
451 Hungerford Drive
Suite 119-132
Rockville, MD 20850
amlinhealth@gmail.com
Applicant

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	:	
Amlin Health, LLC,	:	
	:	
Applicant	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 1st day of September 2011, to be serviced, via electronic mail, upon:

Jennifer Fraser
Connolly Bove Lodge & Hutz LLP, Ste. 100
1875 Eye St. NW , Washington DC 20006
Jennifer Fraser <JFraser@cblh.com>

/Linus Zhang/
Linus Zhang

Exhibit-1

Subject: Re: Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018
From: Linus Zhang
Date: July 25, 2011 2:14:19 PM EDT
To: Breanne M. Staley
Cc: amlinhealth@gmail.com

Hello,

I just returned to the US last week (I was out of the country between 5/30 and 7/19) and I got response from my attorney's office today. Please let me know the current status for our trademark: Dr. Amlin ? Thanks.

Regards,

Linus Zhang, M.D.
Amlin Health, LLC

Exhibit-2

Subject: Re: Suggestions?-----Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018
From: Linus Zhang
Date: August 8, 2011 3:09:12 PM EDT
To: Jennifer Fraser
Cc: Breanne M. Staley , edward.grieff@amylin.com , amlinhealth@gmail.com

Dear Jennifer:

Yes, as you might know that I will be representing myself for this case.

As I mentioned earlier it is still not too late to save every body's time, more efficient and economical means for long run, I would like to ask you if there any possibilities to settle the case or any alternative ways to resolve this case smoothly and efficiently by compensating and covering some expenses related to the mark our company has spent. If you agree with this reasonable request first, then we can discuss about the solution each other, which will be beneficial to every party in my opinion . Please let me know your suggestion and/or offer. Thank you very much for your time.

I am looking forward to hearing from you as soon as possible.

Best regards,

Linus Zhang, M.D.
Amlin Health, LLC
451 Hungerford Drive
Suite 119-132
Rockville, MD 20850
email: amlinhealth@gmail.com

Exhibit-3



CONNOLLY BOVE LODGE & HUTZ LLP

ATTORNEYS AT LAW

Jennifer Fraser

Partner

Bar Admissions: Maryland and District of Columbia

TEL: (202) 756-4356

FAX: (202) 658-5614

EMAIL: jfraser@cbhlh.com

WASHINGTON, DC

1875 Eye Street, NW

Suite 1100

Washington, DC 20006

TEL: (202) 331-7111

FAX: (202) 293-6229

WEB: www.cbhlh.com

August 10, 2011

VIA E-MAIL

CONFIRMATION VIA 1st CLASS MAIL

FRE 408 COMMUNICATION

FOR SETTLEMENT PURPOSES

ONLY

Dr. Linus Zhang
Amlin Health, LLC
451 Hungerford Drive
Suite 119-132
Rockville, MD 20850

Re: Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC
Trademark Opposition No. 91199018 against DR. AMLIN & Design
Our Ref.: 32377-1

Dear Dr. Zhang,

We are in receipt of your August 8 e-mail confirming you will be representing yourself in the above proceeding. We will correspond with you going forward. Additionally, we request that you direct all papers in this matter to my attention and that no further correspondence be directed to Mr. Ed Grieff at Amylin.

Your August 8 e-mails to me and Mr. Grieff again inquire about settlement possibilities and we previously detailed our settlement terms in our August 3 e-mail letter (and, prior to that, to your attorney in the May 23, 2011 discovery conference). As set forth in our prior communications, the parties can resolve this if you agree to abandon the trademark application for DR. AMLIN, and you agree to cease all use of DR. AMLIN and to change the name of your company, Amlin Health, LLC, which is a variation of DR. AMLIN.

If these terms are acceptable, please let us know and we can draft a settlement agreement. Any settlement must include these terms so, if you have a specific counter proposal in mind that includes these terms, please let us know and we can consider it.

If you would like to discuss this proposal further, we suggest a telephone call and invite you to contact me at the above number.


This letter, and any offer of compromise contained herein, is without prejudice.

Very truly yours,

JENNIFER FRASER

TE/karsc

Exhibit-4

Subject: Fwd: FRE 408 COMMUNICATION FOR SETTLEMENT PURPOSES ONLY - Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018
From: Linus Zhang
Date: August 11, 2011 3:49:02 PM EDT
Cc: amlinhealth@gmail.com
▶  1 Attachment, 170 KB [Save](#) [Quick Look](#)

Dear Jennifer:

Thank you very much for your letter.

No, I did not hear previously detailed on the settlement terms from my attorney in this May. I believe that nothing is not possible in the world.

Yes, we may discuss this proposal further and have a telephone call some times next week.

Best regards,

Linus

Exhibit-5

Subject: Re: FRE 408 COMMUNICATION FOR SETTLEMENT PURPOSES ONLY - Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018
From: Linus Zhang
Date: August 15, 2011 4:57:29 PM EDT
To: Jennifer Fraser
Cc: Breanne M. Staley , amlinhealth@gmail.com

Dear Jennifer:

I have the letter attached. Thanks.

Yes, we can discuss about the possible solution for the case, could you please call me at 301.256.7780 this Wed. (8/17/2011) between 10am and 4pm anytime if it is good time for you to talk?

Best regards,

Linus

Exhibit-6

From: Linus Zhang <amlinhealth@gmail.com>
Date: August 22, 2011 1:14:39 PM EDT
To: Breanne M. Staley <BStaley@cblh.com>
Cc: Jennifer Fraser <JFraser@cblh.com>, amlinhealth@gmail.com
Subject: Re: Amylin Pharmaceuticals, Inc. v. Amlin Health, LLC; Trademark Opp. No. 91199018

Dear Jennifer:

I received your letter. I hope your client is not kidding!

As I mentioned to you during our telephone conference on August 17, 2011 that we have spent a tons of time and effort for our business and product line, that include but not limited to:

three years research and development,

three years business development,

three years labor,

three years cost,

three years investment of my life time,

in short, that's is why we have our mark: Dr. Amlin and Amlin Health, LLC today. So far everything not only cost our money but also our time, which is invaluable.

Please tell your client, we are willing to reimburse AMYLIN PHARMARCUTICAL, INC. for their mark AMYLIN filing fees and their company name in the amount of \$ WITHOUT any terms and conditions. If it is acceptable, we can draft an agreement immediately.

By the way, if this is not acceptable, you may plan on proceeding with the Opposition if you wish.

Sincerely,

Linus Zhang, M.D.
Amlin Health, LLC